(47)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ. &
HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition (S) 2152 of 2007

Petitioner Sajan Kumar Sahare S/o Late Shri Soma Sahare, aged about 47 years, resident of Village Nagri, Raipur, Post Mana Tahsil & District Raipur (CG)

Versus

Respondents

1. State of Chhattisgarh, Through Secretary, Health and Family Welfare Department, Mantralay DKS Bhawan, Raipur (CG)
2. The Additional Collector, Raipur, District Raipur (CG)
3. The Chief Municipal & Health Officer, Raipur (CG)

Present : Shri FS Khare, counsel for the petitioner.
Shri AS Kachhawaha, Government Advocate for the respondent/State.

ORAL ORDER
(Passed on 16th April, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

This petition arises out of an order passed by the MP State Administrative Tribunal, Jabalpur ("the Tribunal" for short), in OA No.555/92, dated 02.03.2002. By the impugned order the Tribunal has rejected the application filed by the applicant/petitioner.

2) There is a delay of nearly five years in approaching this Court, by the petitioner while questioning the order passed by the Tribunal.

3) The applicant/petitioner in his memorandum of writ petition has stated that he was suffering from anemia and therefore, he could not file the writ petition within a reasonable time. In support of that contention, he has

produced two medical certificates, said to have been issued by a competent doctor.

4) Delay in filing the writ petition, in our opinion, is very fatal. The only explanation offered by the petitioner in approaching this Court belatedly is that he was suffering from anemia and therefore, he could not be in touch with his lawyer to file appropriate writ petition before this Court.

5) First and foremost, if for any reason, the petitioner was suffering from anemia, in our opinion, it would not prevent him from approaching this Court within a reasonable time. The explanation offered by the petitioner is wholly unsatisfactory in approaching this Court belatedly. Therefore, the delay and laches on the part of the petitioner requires to be taken note of by this Court, and thereafter the petition requires to be rejected for the simple and sole reason that this Court in exercise of its writ jurisdiction will not come to the aid of a litigant who had slept over his right.

6) In that view of matter, without going into the other details of the case, the writ petition is rejected without reference to the respondents. Ordered accordingly.

Sd/-
Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge